



FAIR POLITICAL PRACTICES COMMISSION

128 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

May 21, 2010

Mr. Dave Scholl

REDACTED

Re: FPPC No. 08/0813; In the Matter of Michael Ceremello, Dave Scholl, and Steve Alexander

Dear Mr. Scholl:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act ("Act") found in Government Code Section 81000, and following.^[1] The Commission has completed its investigation of the sworn complaint that was submitted against you for publications in Dixon's Independent Voice related to the November 2008 election to the Dixon City Council. The complaint alleged that you failed to disclose nonmonetary contributions made to candidate Michael Ceremello in the election.

There is insufficient evidence in this matter to establish a violation of the Act and we are closing this case without further action.

A contribution is a payment made for political purposes for which full and adequate consideration is not received. (Section 82015, subd. (a).) Contributions also come in the form of goods or services provided free of charge to a candidate or committee, and goods or services provided at a discount from the fair market value to a candidate or committee, unless the same discount is given in the regular course of business to members of the public. (Section 82015(c); Regulation 18215, subd. (b)(3).) A contribution does not include a payment by a regularly published newspaper, magazine or other periodical of general circulation which routinely carries news, articles, and commentary of general interest for the cost of publishing a news story, commentary or editorial. (Regulation 18215, subd. (c)(8)(i).)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

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You are the publisher of Dixon's Independent Voice. This newspaper is published weekly in Dixon and routinely carries news, articles and commentary of general interest. The investigation revealed that the newspaper has published articles by Michael Ceremello, a volunteer writer, for more than 10 years. It was also established that Mr. Ceremello did not receive compensation, nor did he pay the newspaper for publishing the articles. In this matter, Mr. Ceremello wrote several editorials that were published in Dixon's Independent Voice from August 2008 through October 2008 related to the November election. Since Dixon's Independent Voice is a regularly published newspaper which routinely carries news, articles and commentary of general interest, the publication of the articles were not contributions under the Act. As such, Dixon's Independent Voice did not make contributions to Mr. Ceremello.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding filing obligations over the telephone and through written advice. Please call the Commission's Technical Assistance Division at 1-866-275-3772 or visit our website at www.fppc.ca.gov if you need assistance.

Sincerely,

✓ **REDACTED** —

MELLONIE YANG
Assistant Chief
Enforcement Division

MY:fp

cc: Mr. Michael Ceremello

Mr. Steve Alexander

Mr. Michael Smith